



A G E N D A

**General Plan/LCP Implementation Committee
September 12, 2007
3:30 p.m.
City Council Chambers**

1. Approve Action Minutes from August 29, 2007 Meeting
Attachment No. 1 3:30-3:35
2. General Plan/LCP Implementation - Master Task List
Update From Staff and Committee Comments
Attachment No. 2 3:35-3:45
3. Fair Share Fee Program Update
Review information provided by staff
Attachment No. 3 3:45-4:15
4. Zoning Code Rewrite – Project Schedule
Review proposed schedule changes and provide direction to staff
Attachment No. 4 4:15-4:45
5. Local Coastal Plan – Coastal Resource Protection Policy Review
Review revised policies and provide direction to staff
Attachment No. 5 4:45-5:15
6. Items for Future Agenda 5:15- 5:20
7. Public Comments on non-agenda items 5:20-5:30

Attachment No. 1



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES August 29, 2007

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, August 29, 2007**

Members Present:

E	Ed Selich, Mayor Pro Tem, Chairman
E	Steve Rosansky, Mayor
X	Leslie Daigle, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

	Mark Cross
X	Larry Frapwell
	William Guidero
X	Ian Harrison
X	Brion Jeannette
X	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
	Robin Clauson, City Attorney
	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner

E = Excused Absence

Committee Actions

1. Agenda Item No 2 – General Plan/LCP Implementation - Master Task List

Action: Committee approved Task List

Vote: Consensus with Hawkins dissenting on dates of Task No. 4

2. Agenda Item No 3 - Fair Share Fee Update

Action: Committee directed staff to conduct public outreach and address questions raised at meeting regarding the cost estimates. Item was continued to the September 12, 2007 meeting.

Vote: Consensus

3. Agenda Item No 4 - Zoning Code Rewrite – Part 1 - Zoning Code Applicability

Action: Committee directed staff to make the following changes:

- Write draft Code with the option to exempt City from code requirements and a second option to not exempt the City
- Work with the Advisory Group on section 20.10.040(E) - Effect of Zoning Code amendments on projects in progress
- Include language requiring consistency with the General Plan and Local Coastal Program

Vote: Consensus

Attachment No. 2

GENERAL PLAN IMPLEMENTATION TASKS

1. Interim Zoning Resolution (including ability to require development agreements)
*Staff, January 9, 2007 - **Complete***
2. Procedures to implement single- and two-family design policies
*Staff, March 27, 2007 - **Complete***
3. Zoning Code and Specific Plan rewrite
Consultant, with staff input and review, January 2008
4. CLUP amendment
Staff
 - *April 27, 2007 to Coastal Commission – **Complete***
 - *September 25, 2007 City Council re-approval to correct notice will include clarification of policies re: coastal bluff development*
5. Housing Element certification by HCD
EIP and staff, TBD
 - *Comments on re-submittal due from HCD October 2007*
6. Park Dedication Fee (Quimby Act)
*Staff, April 10, 2007- **Complete***
7. ED Strategic Plan
*Staff, ADE and EDC, July 10, 2007 - **Complete***
8. Fair Share Fee update
Consultant, September 25, 2007
9. Airport Area infrastructure study and fee(s)
ROMA and Fair Share Consultant, TBD
10. Inclusionary Housing Ordinance and In-lieu fee
Consultant
 - *Updated fee study September 2007*
11. Parking Requirements and Management
Staff, EDC, RFP Issuance September 5, 2007
12. LCP Implementation Plan
Staff, concurrent with/trailing Zoning Code rewrite

13. City Council Ordinance on development agreements
*Staff, February 27, 2007 - **Complete***
14. Traffic signal synchronization
Consultant and Public Works staff, master plan 2007
15. PC rewrite/revisions
*Property owners for major ones, their schedule
Staff or consultant for smaller ones, with Zoning rewrite or second phase,
TBD*
16. Banning Ranch Pre-Annexation and Development Agreement
City Council, staff and property owners, TBD
17. Harbor Area Management Plan
Consultants, staff and Harbor Commission, September 2008
18. Run-off and Pollution Reduction Plan
Coastal/Bay Water Quality Committee and staff, ongoing
19. Database refinements and maintenance
Staff, refinements TBD, maintenance ongoing
20. Fiscal Impact Model training
*ADE and staff, March 29, 2007- **Complete***
21. Traffic Phasing Ordinance revision re: NBTAM
*Staff, July 24, 2007- **Complete***
22. Measure S Guidelines revision re: variable FAR
Staff, October 23, 2007

Lower Priority

- Municipal Code amendments re: property maintenance standards
- Building Code amendments re: green buildings
EQAC Energy Subcommittee appointed July 16, 2007
- Amend City Council Policies on historic, archaeo and paleo resources
- Funding and priority program for construction of noise barriers along arterials

Attachment No. 3

**GENERAL PLAN/LOCAL COASTAL PROGRAM
IMPLEMENTATION COMMITTEE**

September 12, 2007

TO: MEMBERS OF THE COMMITTEE

FROM: Public Works Department
Stephen Badum, Public Works Director
949-644-3311

SUBJECT: FAIR SHARE FEE PROGRAM UPDATE

BACKGROUND

Staff presented the results of the initial process to update the City's Fair Share Fee to this Committee on August 27, 2007. A presentation was also made to the Transportation Committee of the Building Industry Association on September 3, 2007. During both of those meetings concerns were raised regarding the size of the increase in the fee as well as process met the nexus requirements for such fee programs. During the Implementation Committee meeting staff presented several methods by which the overall fee could be reduced while maintaining the intent of the Fair Share Fee. Staff continues to explore the specific requirements for the nexus study and ways to satisfy those requirements.

Staff requests direction from the Committee on how they wish to proceed to refine the fee determination.

DISCUSSION

Staff presented the three options for reducing the fee from the \$508/trip level that was calculated in the initial process at the last Committee meeting. These were to seek additional competitive funding, reduce the contingency rate, and to move some of the projects beyond the 2025 date used in the calculations. Additional options have been suggested by stakeholders and staff is reviewing those and will provide more information on them at the meeting.

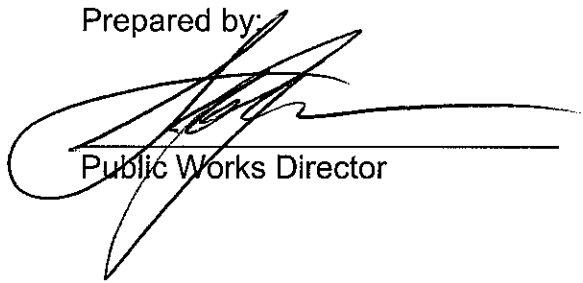
A policy decision to assign more of the improvement costs to competitive funding programs could reduce the fee by a significant amount. This option would be based upon the assumption that staff would be successful in obtaining funds from OCTA, Caltrans, or even the Federal Highway Administration. Staff has obtained funds from these sources in the past but only included a minor amount for future projects due to the uncertainty of such funds.

One issue that was raised is the fact that there are various percentages in the fee calculations for preliminary and final engineering as well as project contingencies. These various costs add over 50% to the estimated construction costs. While they are considered realistic by staff, a policy decision to reduce some or all of them would result in an overall reduction in the Fair Share Fee.

The third option that was discussed at the prior meeting was to move some of the improvement projects to beyond the 2025 time frame. An example of this in the initial calculations was the assumption that the segment of Bluff Road between 17th Street and 19th Street would not occur until after 2025.

Since there are multiple ways the Fair Share Fee could be adjusted if there is consensus that it would be too high at \$508/trip, staff seeks direction from the Committee on which way(s) they wish us to pursue.

Prepared by:



Public Works Director

Attachment No. 4

City of Newport Beach Zoning Code Update

Revised Schedule

September 7, 2007

A. Present schedule and approach

At present we are approximately two months behind the project schedule dated May 30, 2007. There are several reasons for this situation;

1. The original schedule proposed by the City for public hearings (i.e., introduction of the ordinance) to be held in January 2008 was extremely short. As we prepared our detailed project schedule we backed our product delivery dates into the schedule provided by the City. While the consultant team, including City staff recognized that the schedule was very tight, we thought we could maintain it given our assumptions on how long it would take to work through the list of 32 issues provided as part of the RFP package.
2. The work effort involved in preparing the necessary material (technical papers) to address the 13 priority issues identified by the Committee has taken much longer than originally anticipated. In addition the analysis of some issues, such as the residential development standards, has proven to be quite time-consuming due to the way in which the city (and its zoning code) has developed over the years. Finally, we had not anticipated working so closely with the architect's subcommittee. To date, we have attended four individual meetings with a subcommittee of that group. The bottom line is that we thought, based on previous experience with many zoning code updates, that we would be able to produce much more of the actual code text by this time in the process.
3. When we prepared our original schedule we informed City staff and the Committee that because of the tight schedule there would be no time for staff to review the material before it was submitted to the Committee. While we were very skeptical about this approach from the start, this situation in itself should not necessarily draw out the schedule. However, we have found that the Committee is asking questions about material that is deemed incomplete because we have had questions that should have been addressed by staff prior to the Committee reviewing it, but there has been no time in the schedule for staff review time. We believe that the Committee's process would go much more efficiently if the material being reviewed by the Committee had the benefit of staff's review and input first. In our experience with over 50 zoning document updates, this is the first time staff has not been provided a separate review period prior to forwarding the document to an appointed body for review.
4. A related topic concerning efficiency of the process is the piecemeal manner in which the Committee is receiving, and will receive, the various parts of the code. It has been our experience that the review process goes more smoothly when reviewers have a complete document in their hands so that they do not need to second guess how and where referenced and related material might be addressed in other parts of the code.

5. The amount of time we have committed to meeting with staff to go over their comments has taken time away from our code production schedule. Because we anticipated receiving staff's comments at the Committee meetings we did not factor in separate staff meetings into our schedule, or for that matter our project budget.
6. Finally, as we have probed deeper into the details of the existing Code we have found many standards and regulations that are not clearly written, are difficult to understand, and do not represent current policies or appropriate levels of regulation. This is in addition to the list of 32 identified issues and the comments provided by staff through their markup of the existing Code. This is not a reflection on current staff or staff that prepared the 1997 reorganization of the Code. The task at that time was not to add, delete, or rewrite standards, but to reorganize the Code into a more logical order and more user friendly format. While this was accomplished, the basic text of most standards was not changed, either to provide greater clarity or to amend standards, such as the way height is measured, that simply no longer work.

B. Proposed revised schedule and approach

Given the current situation and our concerns about providing the City with the best possible product in a timely and efficient manner, we would like to offer a revised schedule and approach. We do this for two reasons; first, we do not want to lose any more time in putting a complete draft code in the Committee's hands, and second, we want to provide the best document possible realizing that it will need to serve the City for many years.

The schedule and approach we are proposing are based on two assumptions; first, that all 13 original priority issues have been addressed and appropriate direction has been provided by the Committee in sufficient detail for our team and staff to prepare the necessary regulations, second that staff will be provided sufficient time to review the material and provide answers to the consultant's questions and alternative approaches prior to submittal of the same material to the Committee. Therefore, we propose the following;

1. The consultant team will submit a complete first draft (including staff directed changes to the land use tables, development standards tables, and land use definitions) for staff review during the week of October 29. The consultant team will not meet with the Committee on a regular basis during September and October; however if issues arise during that time that require policy direction from the Committee these will be brought forward for their consideration.
2. Staff will have 60 days to finalize their review of the complete first draft zoning code. During this time, members of the consultant team will meet with staff weekly (or as necessary) to discuss review comments and provide alternative approaches if needed.
3. At the end of the 60-day staff review period, the consultant team will have 45 days to meet with staff to discuss comments, incorporate input, and provide a second review draft to ensure that all comments have been appropriately addressed.

4. The second review draft will be provided to the Committee (and staff) during the third week of February (week of Feb. 18th) to begin a series of meetings for final review. It is assumed that four meetings with the Committee will be required for this purpose. The Committee may wish to meet weekly during this review period. This would allow the Committee to complete its review by the week of March 24th.
5. Following final review by the Committee, the Consultant will need a minimum of three weeks to incorporate final comments and prepare a public review draft for consideration by the Planning Commission. The public review draft would be available the week of April 21st for distribution to the Planning Commission and public. Up to six public hearings/workshops with the Commission are anticipated.
6. City Council hearings may begin following Planning Commission recommendation. Errata sheets indicating Commission recommended changes will be included with the final draft Code for Council consideration and adoption. A possible consideration for shortening the schedule may be to hold overlapping hearings with the Planning Commission and City Council as was done with the General Plan update.

Please refer to the attached schedule for further details.

PROJECT SCHEDULE

DATE	EVENT	COMMENT
Week of October 29	Consultant submits complete first draft Zoning Code for staff review.	
Nov. 5 - Dec. 31	Staff reviews first draft and provides consolidated comments to consultant.	It will be important to protect staff review time during this period. Consultant will be available to meet with staff to discuss comments and options.
Week of February 18	Consultant meets with staff, incorporates comments/revisions, and submits second review draft for Committee review.	Consultant will be available to meet with staff to discuss comments and options.
Week of March 3	Committee begins series of review meetings. Assume 4 weeks for review ending week of March 24.	Schedule assumes at least one meeting per week for 4 weeks.
Mar 31 - April 18	Consultant incorporates Committee's input and prepares public review draft Zoning Code. Begin CEQA process.	Consultant will start incorporating Committee's input during the Committee's 4 week review period.
Week of April 21	Public review draft Zoning Code available for Planning Commission consideration, holds public hearings. Release of Initial Study and Environmental Document.	Up to 6 Planning Commission public hearings/workshops are anticipated. Commission receives draft Code 2 weeks prior to first hearing. <u>This schedule is based on the Commission meeting once per week.</u>
Week of June 9	Planning Commission concludes public hearings/workshops.	
June 16 - June 30	Consultant incorporates Commission comments and prepares final draft code for city Council consideration	Assume 2 weeks to prepare final draft Zoning Code. <u>This could be too short depending on the extent of Commission and public input and required changes.</u>
Week of July 7	City Council starts first public hearing.	

Attachment No. 5

Memo

To: General Plan/LCP Implementation Committee
From: James Campbell, Senior Planner
Date: September 7, 2007
Re: Potential revision to Coastal Resource Protection Policies of the Coastal Land Use Plan

The recent consideration of the AERIE project (PA 2005-196) by the City Council highlighted a need to clarify the policies that permit development on the face of a coastal bluff. The issue stems from Policies 4.4.3-8 and 4.4.3-9 that provide specific direction related to bluff face development that can conflict with several more general resource protection policies. The policies in question are:

- 4.4.1-1. *Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.*
- 4.4.1-2. *Design and site new development, including landscaping, so as to minimize impacts to public coastal views.*
- 4.4.1-3. *Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.*
- 4.4.3-8. *Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.*
- 4.4.3-9. *Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.*

- 4.4.3-12. *Employ site design and construction techniques to minimize alteration of coastal bluffs to the maximum extent feasible, such as:*
- A. *Siting new development on the flattest area of the site, except when an alternative location is more protective of coastal resources.*
 - B. *Utilizing existing driveways and building pads to the maximum extent feasible.*
 - C. *Clustering building sites.*
 - D. *Shared use of driveways.*
 - E. *Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design.*
 - F. *Utilizing special foundations, such as stepped, split level, or cantilever designs.*
 - G. *Detaching parts of the development, such as a garage from a dwelling unit.*
 - H. *Requiring any altered slopes to blend into the natural contours of the site.*

The conflict arises when the predominant line of existing development is viewed as a "build to" line and development thereto would alter the landform or present a visual impact inconsistent with the general resource protection policies. In order to avoid this situation, staff has prepared the following modifications for consideration.

- 4.4.3-8. *Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Establish a predominant line of development for both principle structures and accessory improvements. The predominant lines of existing development shall be consistent with all coastal resource protection policies. Development shall be reduced in extent within the predominant line of existing development to ensure consistency with coastal resource protection policies and where necessary to ensure safety and stability of the development. Permit such public improvements on the bluff face only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.*

- ~~4.4.3-9. *Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.*~~

Ramirez, Gregg

From: Susan/Barry Eaton [eaton727@earthlink.net]
Sent: Monday, September 10, 2007 6:48 PM
To: Wood, Sharon; Campbell, James; Ramirez, Gregg; Clauson, Robin; Lepo, David
Cc: Hawkins Robert; Selich, Edward; Toerge, Michael; Rosansky, Steven; Eaton, Barry; Daigle, Leslie
Subject: GP/LCP Implementation Committee of 9/12

Sharon, et al,

I have now had a chance to review this packet, and (surprise!) I have some questions:

Minutes:

1) Should not the minutes contain some reflection of the discussion we had on the accuracy of the previous minutes, and the adequacy of action minutes per se, for this Committee?

Task Schedule:

2) Why does this schedule still show January, 2008 for the zoning rewrite, when the memo in the packet (agenda item 4) states that it won't be able to get to the CC before July of 2008?

3) The CLUP amendment item states that the revised CLUP will go before the CC at it's Sep. 25th meeting; yet there are changes being proposed at this Committee meeting (agenda item 5). This does not allow for any time for the proposed changes to be reviewed by the PC. Is it not required that CLUP changes go to the PC? Even if not, wouldn't that be advisable, in light of the fact that the changes arise from a project just reviewed by the PC in the last few months?

4) The Fair Share Fee update item appears to be still scheduled for the CC on Sep. 25th. Is this still accurate, in light of the very general questions and direction that is being asked of the Committee in this meeting (agenda item 3)?

5) The Traffic Signal synchronization item still has no month at all listed for its completion. Is it still not possible to specify at least a month in this timetable?

Fair Share Fee:

6) The staff report for this item notes a number of considerations involved with this issue, including contingencies that, in some cases, exceed 50% of the construction costs; and then asks for policy direction on alternate ways of establishing the Fair Share Fee, in light of the significant increase proposed.

Actually, there are at least 7 projects where the contingencies range from 100% to more than 300% of construction costs, and a few others where the contingencies are almost 100% of construction costs. In addition, there were some significant questions about the appropriateness of the \$78M item for PCH

pedestrian crossings.

In light of these considerations, wouldn't it be appropriate to establish the extent to which these are realistic costs to base the fee upon, before considering whether to figure out other ways to reduce the proposed fee?

Revised Zoning Rewrite Schedule:

This memo suggests a number of reasons why this task has fallen significantly behind the original schedule, and suggests a very different methodology from this point forward. While I agree with a number of the reasons for the delay (particularly that the staff needs to see, and comment upon, the draft sections before they are presented to the Committee), I do have some concerns with the proposal going forward:

- 7) It is now proposed that the staff (apparently) and the Committee (for sure) would get the entire Zoning Code in one "chunk"; and that this would not occur at the Committee level until the week of Feb. 18th, 2008; and that the Consultants would not meet with the Committee during most of the intervening time period. The Committee would then be given 4 or 5 weeks to review, analyze, and comment upon the entire draft Ordinance, before completing their review on the week of March 24th. Would it not be possible to alternatively break the Ordinance into 3 or 4 natural divisions (e.g.: something like Intent, Purpose, and Interpretations, Zoning Districts, Use Standards, and Administrative Processes), so that some review could be pursued in the interim, and the Committee wouldn't be faced with the rather daunting task of trying to read, understand, and comment upon, the entire Ordinance in 4 or 5 weeks?
- 8) The proposed new schedule apparently assumes that both the Committee and the PC will be able and willing to meet every week for 4-6 weeks to review the document. Is this a realistic assumption?
- 9) In the last paragraph of the memo, it suggests that, to shorten the schedule, the PC and the CC could hold overlapping public hearings. Is this a good idea? Wouldn't the ordinance have to be broken into pieces anyway, to accomplish this, if it is deemed a good idea?
- 10) In the Table at the end of this memo, it is stated that the CEQA process would not "begin" until at least March 31st. Even assuming that a ND would result, is this enough time? When would the resulting Environmental document go out for the 45 day public review? When would be the deadline for submission of public comments on the document? Would there be responses to the comments? If so, will the comments and responses be available to the PC by the proposed end of their review during the week of June 9th? (If not - and it doesn't seem to me that sufficient time has been allowed for that - the PC will not be able to make a recommendation on the document to the CC; and I don't think the PC would be happy about that.)

Revision to CLUP Policies:

- 11) This proposed revision refers to both a Predominant Line of Existing Development (PLOED) and a Predominant Line of Development (PLOD) in the same policy. It is not my impression that these are equivalent. Are they? If not, shouldn't the reference be consistent?
- 12) The revision apparently also states that development can be required to be reduced in extent, even if it meets the applicable PLOED (or PLOD), if necessary for either coastal resource protection or safety

and stability. If this is the case, do applicants have any assurance that the proposed PLOED (or PLOD) really matters to them? If not, does it continue to make sense to have the staff devote a large amount of time to creating PLOEDs (or PLODs) in advance for every circumstance where they may come into applicability, as the Committee has previously requested?

Thank you for your consideration of these questions. I look forward to your response.

Barry

FILE
9/12/07

FILE COPY

PROJECT SCHEDULE

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Nov. 5 - Dec. 31 10-22 to 11-16 3 weeks	Staff reviews first draft and provides consolidated comments to consultant.	It will be important to protect staff review time during this period. Consultant will be available to meet with staff to discuss comments and options.
Week of February 18 11-17 to 12-28 Dec 28 to Committee	Consultant meets with staff, incorporates comments/revisions, and submits <u>second review draft for Committee review.</u>	Consultant will be available to meet with staff to discuss comments and options.
Week of March 3 Jan 9, 16, 23, & 30	Committee begins series of review meetings. Assume 4 weeks for review ending week of March 24.	Schedule assumes at least one meeting per week for 4 weeks.
Mar 31 - April 18 Feb 1 to Feb 22	Consultant incorporates Committee's input and prepares public review draft Zoning Code. Begin CEQA process.	Consultant will start incorporating Committee's input during the Committee's 4 week review period.
Week of April 21 Feb 22 Public Draft & to PC PC Hearings: 3-6, 13, 20, 27, 4-3 & 4-10	Public review draft Zoning Code available for Planning Commission consideration, holds public hearings. Release of Initial Study and Environmental Document.	Up to 6 Planning Commission public hearings/workshops are anticipated. Commission receives draft Code 2 weeks prior to first hearing. <u>This schedule is based on the Commission meeting once per week.</u>
Week of June 9 4-10	Planning Commission concludes public hearings/workshops.	
June 16 - June 30 4-10 to 4-25	Consultant incorporates Commission comments and prepares final draft code for city Council consideration	Assume 2 weeks to prepare final draft Zoning Code. <u>This could be too short depending on the extent of Commission and public input and required changes.</u>
Week of July 7 5-13	City Council starts first public hearing.	